

REMARKS

Claims 1-53 are now pending in the application. Claims 1-7, 10-12, 14-19, 21, 22, 24-41, 43-46 and 49-53 stand rejected. Claims 4, 5, 11, 18, 25, 26 and 37 have been cancelled. The Examiner has failed to indicate under which section claim 53 is rejected. Applicants have amended claim 53 nonetheless and respectfully assert claim 53 is patentable over Hutter and Peterson, either alone or in combination. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. Applicants have attached revised drawings for the Examiner's approval. In the "Replacement Sheet," Figure 6 has been amended to better illustrate the thickness T_3 respective to thickness T_1 and T_2 . As this relationship between thickness T_1 , T_2 and T_3 was fully described in the specification and claims as filed, Applicants respectfully submit this amendment does not add new matter. Reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 7, 10, 12, 14, 16, 17, 19-25, 27, 29, 30-37, 39, 41-47 and 49-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hutter (U.S. Pat. No. 5,704,747, hereinafter "Hutter"). This rejection is respectfully traversed.

At the outset, Applicants note independent claim 1 has been amended to include:

a nut having a generally cylindrical body with a constant radius;

* * *

an integral member defining a first opening on a first surface and second opening on a second surface, the integral member disposed around the base operably allowing some movement of the nut associated therewith but limiting the movement of the nut.

Claim 2 has been amended to include a “constant body minimum thickness,” as well as:

an integral cage disposed around a substantial portion of said base, wherein the integral cage provides a limited range of movement of the nut within the integral cage and defines a first opening on a first surface and second opening on a second surface ~~an aperture~~ at least partially aligned with the bore.

Claim 3 has been amended to include:

... the body having a constant body minimum thickness, ... the nut being a medium carbon steel Class 10 fastener; and

an integral cage disposed around a substantial portion of said base, the integral cage defining a first opening in a first surface and a second opening in a second surface, wherein the integral cage provides a limited range of movement of the nut within the integral cage, the integral cage being attached to the component.

Applicants further note claims 10 has been amended to include a “constant body minimum thickness.” Claim 16 has been amended to include:

... a nut having a body with a constant minimum thickness, the nut being a medium carbon steel Class 10 fastener;

Claim 17 has been amended to include the body having a “constant minimum thickness.” In addition, claims 10, 16 and 17 have all been amended to include the following:

an integral cage having an upper surface and a lower surface, the integral cage defining an upper opening on the upper surface, a lower opening on the lower surface, and two pair of flanges bent to enclose at least a portion of the base.

Claim 24 has been amended to include:

a body having a constant thickness, defining a threaded bore therethrough and a base, ... and

a cage having an upper surface and a lower surface, the integral cage defining an upper opening on the upper surface, a lower opening on the lower surface, and two pair of flanges bent to enclose at least a portion of the base

Claim 36 has been amended to include a “constant body minimum thickness,” as well as:

an integral member which regulates the movement of the depending base with respect to the hole by enclosing a portion of the base, the integral member defining a first opening on a first surface and a second opening on a second surface.

Claim 49 has been amended to include:

a nut having a generally cylindrical body with a constant minimum body thickness and formed of a medium carbon steel;

* * *

a member operably allowing some movement of the nut associated therewith but limiting the movement of the nut by enclosing at least a portion of the base, the member defining a first opening on a first surface and a second opening on a second surface.

Additionally, claim 50 has been amended to include a “constant body minimum thickness,” as well as:

a cage disposed about at least a portion of said base, wherein the cage provides a limited range of

movement of the nut within the cage and defines first aperture on a first surface and a second aperture on a second surface at least partially aligned with the bore.

Applicants further note claims 51 and 52 have been amended to include the body having a “constant minimum thickness,” as well as the following:

a cage operable to enclose at least a portion of the base to restrict the motion of the nut, the cage defining a first opening on a first surface and a second opening on a second surface.

Applicants respectfully submit that these features as claimed are not taught by Hutter.

At best, Hutter appears to disclose a floating nut element 18 surrounded by a dome 20 (see at least column 3, lines 31-35). As illustrated in Figure 1 of Hutter, the dome 20 is not disposed around a substantial portion of the base. Rather, the dome 20 is positioned such that the nut 18 can float within the dome 20. Accordingly, Applicants respectfully submit Hutter does not teach or suggest whatsoever a cage disposed around a substantial portion of the base or two pair of flanges bent to enclose at least a portion of the base or regulating the movement of a depending base by enclosing a portion of the base. Furthermore, the dome 20 does not define a “first opening on a first surface and a second opening on a second surface,” as claimed in Applicants’ invention.

Since Hutter does not teach or suggest Applicants’ invention as claimed, Applicants assert claims 1, 2, 3, 10, 16, 17, 24, 36, 49, 51 and 52 are patentable and in condition for allowance. In addition, as claims 7, 12, 14, 17, 19-23, 27, 29, 30-35, 39 and 41-47 each depend from either claim 1, 2, 3, 10, 16, 17, 24 or 36, these claims are also believed to be patentable and in condition for allowance. Applicants further note

that as claims 25 and 37 have been cancelled, the rejection to these claims has been rendered moot. Reconsideration and withdrawal of these rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 4-6, 11, 15, 18, 26, 28, 38 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutter in view of Peterson (U.S. Pat. No. 5,096,350, hereinafter "Peterson"). This rejection is respectfully traversed.

Applicants note claims 6, 15, 28, 38 and 40 all depend from independent claims 3, 10, 24 or 36. Claims 4 and 5 have been cancelled. As stated previously, Applicants believe claims 3, 10, 24 or 36 are patentable and in condition for allowance. Specifically, Applicants respectfully submit that the combination of Hutter with Peterson does not teach Applicants' invention as now claimed. As stated previously, Applicants assert Hutter fails to teach or suggest the use of the retaining means as now claimed in Applicants invention, and as noted by the Examiner. At best, Peterson appears to teach a body 20 having a non-constant thickness disposed against a shim 50 in combination with a cage 30 to restrict a movement of the base 22 (see at least Col. 3, lines 3-18). As illustrated in Figure 1, the body 20 of Peterson has a non-constant thickness. Peterson fails to teach or disclose whatsoever the use of a body with a constant minimum thickness as claimed in Applicants' invention. In addition, Peterson does not teach or suggest whatsoever a countersink formed in the body as claimed in Applicants' invention. Peterson also fails to disclose the use of a medium carbon steel Class 10

fastener. For at least these reasons, Applicants respectfully assert the combination of Hutter and Peterson fails to teach Applicants' invention as claimed.

Accordingly, Applicants believe claims 4-6, 15, 28, 38 and 40 are also patentable and in condition for allowance. As claims 11, 18 and 26 have been cancelled, the rejection to these claims has been rendered moot. Reconsideration and withdrawal of these rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: _____

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By: _____



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AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet" of drawings includes changes to Figure 6. The attached "Replacement Sheet," which includes Figure 6, replaces the original sheet including Figure 6.

Attachment: Replacement Sheet (Page 4/4)